

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

v.

COMMONWEALTH OF MASSACHUSETTS, et al.,

Defendants.

CIVIL ACTION NO.
05-10112 -RCL

**COMMONWEALTH'S UNOPPOSED MOTION
FOR LEAVE TO EXCEED PAGE LIMIT**

Pursuant to Local Rule 7.1(B)(4), and without opposition from any other party, the defendant Commonwealth of Massachusetts ("Commonwealth") moves for leave to file an Opposition to Motion for Preliminary and Permanent Injunction that is up to 30 pages in length. As grounds for its Motion for Leave, the Commonwealth asserts:

1. This case is a preemption challenge to important components of the Commonwealth's Oil Spill Prevention Act. It raises numerous complex issues of statutory construction, administrative law, and preemption doctrine, as demonstrated by the length of prior judicial opinions in the matter. For example, the First Circuit's prior opinion covers 25 pages of the Federal Reporter. *U.S. v. Mass.*, 493 F.3d 1 (1st Cir. 2007).

2. Recognizing the complexity of the case, this Court (Tauro, J.) previously has allowed the parties to file memoranda of up to 30 pages in length. *See* May 17, 2005 Order allowing Docket No. 21 (Unopposed Motion for Leave to File Memoranda of Law in Excess of 20 Pages).

3. This case is also one of considerable public importance, from the perspective of both environmental protection and federalism. The action's full significance is implicated by the Coast Guard's Motion, which seeks both a preliminary *and* a permanent injunction against two of the Commonwealth's laws.

4. Counsel for both the Coast Guard (Department of Justice Civil Division Attorney Steven Y. Bressler, Esq.) and the Intervenor-Plaintiffs (C. Jonathan Benner, Esq.) have stated that they do not oppose this Motion for Leave. Counsel for the Intervenor-Defendants (Jonathan Ettinger, Esq.) similarly does not oppose it.

For the foregoing reasons, the Commonwealth respectfully requests that the Court allow its Unopposed Motion for Leave to Exceed Page Limit.

By its attorneys,

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